

HUSCH BLACKWELL

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January 17, 2018

VIA E-FILING, EMAIL, and U.S. MAIL

Hon. J.P. Stadtmueller
U.S. District Court
517 E. Wisconsin Avenue
Milwaukee, WI 53202

Re: *Black v. Milwaukee County, et al.*
Case No.: 2:17-cv-00156 (E.D. Wis.)
Our File: 810229-10

Dear Judge Stadtmueller:

The parties have been attempting to reach stipulations to shorten the trial of this matter, which is scheduled for January 22, 2018. Unfortunately, there is one issue upon which we have been unable to reach agreement. Given the Court's decision on summary judgment, we believe that all events that transpired at Milwaukee Airport prior to Mr. Black leaving the airport are now irrelevant, prejudicial to the Defendant, and would simply waste the jury's time. I submit the attached language, which I ask the Court to read to the jury at the beginning of the trial to explain the background of this dispute, with whatever additions, deletions, or edits the Court determines to be appropriate. This draft language was provided to Mr. Sulton on January 8, but we still have not received any edits from him regarding the same.

I would also like to supplement our Trial Exhibits. Existing Exhibit 116 is a picture of the Plaintiff at a political rally. I would like to add two additional pictures of the Plaintiff at the same rally, so that Exhibit 116 is a group exhibit with three photographs labeled A, B, and C. Copies are enclosed with this letter that can be added to the binder of defense exhibits previously filed with the court.

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Lastly, I would like permission to show the jury an enlarged, hard copy version of Exhibit 126 which is a demonstrative timeline. We have Exhibit 126 in electronic form, but it is difficult to read, given the size of the screen in the courtroom.

Very truly yours,

A handwritten signature in blue ink, appearing to read "CHB", with a stylized flourish at the end.

Charles H. Bohl
Leslie A. Gutierrez

CHB/jes
Enclosures

cc: Mr. William F. Sulton (via e-filing, email, and U.S. Mail)
Dr. Anne Sulton (via e-filing, email, and U.S. Mail)

TO BE READ BY THE COURT TO THE JURY AT THE BEGINNING OF THE TRIAL:

On January 15, 2017, plaintiff, Daniel Black, and defendant, David A. Clarke, the then – Milwaukee County Sheriff, were both getting on an airplane at the Dallas airport for a flight to Milwaukee. Clarke was seated as Black went down the aisle of the airplane. The two exchanged a few words and both thought the exchange was unpleasant. Clarke telephoned and sent a text message ahead to the Sheriff's Department asking them to conduct a voluntary interview of Black when the plane arrived in Milwaukee. Clarke gave instructions that Black was to be interviewed, but not arrested.

When the airplane arrived in Milwaukee and Black got off of the airplane, he was met by two Milwaukee County Sheriff's deputies at the gate who interviewed him for no more than 15 minutes. Black was helpful and answered their questions. Black was not arrested and he was not touched by the deputies. Black subsequently described the deputies as being "extremely kind" in a Twitter post. Black then proceeded on his way.

There has never been any contact or interaction between Black and Clarke besides the aforementioned airplane encounter and Facebook posts that you will hear about at trial.

I instruct you that the conduct of both Clarke and Black in the airplane and at the airport was proper and did not violate the law. This lawsuit is solely about events after Black left the airport involving Facebook posts.



Photo



daanblaack

Milwaukee, Wisconsin >



♥ katie__slater, zjbrown and 67 others

daanblaack here's me looking like a giant next to everyone leading the largest May Day march in the country

noralltogether ya goof

sablack nice fedora

MAY 2

EXHIBIT
116A





EXHIBIT
116B



EXHIBIT

116C